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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,454	12/04/2001	Achim Breuer	32368-174691	9210
7590	03/13/2006		EXAMINER	
VENABLE Post Office Box 34385 Washington, DC 20043-9998			SENF1, BEHROOZ M	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/000,454	BREUER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Behrooz Senfi	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 December 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,7,8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 9 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,8 and 10-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/13/2005 has been entered.

### ***Response to Amendment***

2. Applicant's arguments filed 12/13/2005 have been fully considered but they are not in view of new ground.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 5, 7 – 8 and 10 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shofner et al (US 5,533,145) in view of Jornot et al (US 5,394,591).

Regarding claim 1, steps (a) through (e) are rejected for the same reason as set forth in previous office action (dated, 10/5/2004).

As for the newly added limitation (f) (which is actually limitations of canceled claim 6), "an electronic machine control device connected to the electronic image

evaluating unit" reads on fig. 8 of primary reference Shofner. Shofner '145 teaches (i.e. fig. 8, electronic machine control 140, which is connected to electronic image evaluating 144) which meets the limitations as claimed.

Furthermore, as for step (g) (which is actually limitations of canceled claim 9), "a closed circuit, including the electronic machine control device and the electronic image evaluating unit, wherein the electronic machine control device utilizes results of the electronic image evaluating unit to control and optimize parameters of a drafting process via the closed circuit". Shofner '145 teaches, (i.e. fig. 8, a closed circuit including, electronic machine control 140 and electronic image evaluating 144, and camera 132, where the electronic machine control 140 uses the information from the electronic image evaluating 144 which would control and optimize parameters (like, intensity and duration of the illumination on the web and also CCD camera viewing angle), in combination with electronic machine control 140), and the newly added limitation, parameters comprising one of speed and/or friction, have been addressed in the above remarks.

Regarding amended claim 8, the limitations "electronic machine control device connected to the electronic image evaluating unit comprises a computer and a microprocessor", reads on (i.e. fig. 8, units 140 and 144 col. 6, lines 3 – 5 of Shofner '145).

Claims 2 – 5, 7 – 8 and 10 – 16 are the same as original. Therefore, the rejection as set forth in the previous office action (dated, 10/5/2004) with respect to claims 2 – 5, 7 – 8 and 10 – 16 are still applies.

**Response to remarks:**

Applicant asserts (remarks, page 7, lines 3 – 5) that, there is no disclosure in Shofner '145 patent of a closed circuit through which the speed and/or friction of the sliver are controlled and optimized on the basis of image evaluation.

Examiner respectfully disagrees, Shofner '145 teaches, a closed circuit (figs. 8 - 9), including cameras 130 and 132, illuminition 136 and 138, controller 140, which includes readout electronics 162, and speed detector 168, which provides speed information through readout electronics to the computer system 144, wherein the electronic machine control device 140, uses the information from the electronic image evaluation processor received from the imaging device 130 and sensor to monitor the level of undesirable entities on a continuous basis in the gin or mill in order to optimally control them for the purpose of increasing accuracy and/or increasing the amount of information obtained (col. 8, lines 44 – 46, and lines 54 – 57), the whole process is equivalent to optimization for the purpose of increasing the accuracy.

Contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272-6000**,

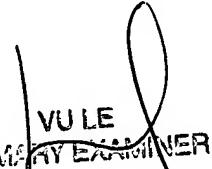
**Or faxed to:**

**(571) 273-8300**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B.M.S. 

2/28/2006

  
VU LE  
PRIMARY EXAMINER